



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ALBERTO PEREZ-VERDUGO,  
Defendant.

Case No.: 13-cr-528-BEN

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

On May 21, 2018, surety Gerardo Martinez filed a motion to vacate the forfeiture, exonerate the bond, and reconvey real property. The motion was referred to the United States Magistrate Judge for a Report and Recommendation.

On November 21, 2019, the Magistrate Judge issued a thoughtful and thorough Report and Recommendation, recommending that this Court deny Martinez's motion and directing the Clerk of Court to mail a copy directly to Martinez's street address along with service on the Government and the Defendant. Objections to the Report and Recommendation were due by December 5, 2019. Neither Martinez nor either party has filed any objections.

A district judge "may accept, reject, or modify the recommended disposition" of a magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1). "[T]he district judge must determine de novo any part of the [report and

1 recommendation] that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).  
2 However, “[t]he statute makes it clear that the district judge must review the magistrate  
3 judge’s findings and recommendations de novo if objection is made, but not otherwise.”  
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also*  
5 *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). “Neither the Constitution nor  
6 the statute requires a district judge to review, de novo, findings and recommendations  
7 that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121.

8 The Court need not conduct de novo review given the absence of objections.  
9 Nevertheless, the Court has considered the arguments and fully **ADOPTS** the Report and  
10 Recommendation. Martinez’s motion is denied.

11 **IT IS SO ORDERED.**

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13 Date: January 13, 2020

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16 HON. ROGER T. BENITEZ  
17 United States District Judge  
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